

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
)	No. 4:19-CR-416 RWS
)	
WILLIAM MILLER,)	
)	
Defendant.)	

SENTENCING HEARING

BEFORE THE HONORABLE RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

SEPTEMBER 6, 2019

APPEARANCES:

For Plaintiff: Hal Goldsmith, Esq.
OFFICE OF THE U.S. ATTORNEY
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St. Louis, MO 63102

For Defendant: Larry D. Hale, Esq.
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(PROCEEDINGS STARTED AT 11:03 AM.)

(THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT AND WITH
THE DEFENDANT PRESENT:)

THE COURT: Good morning. We're here this morning in the case styled United States of America against William Miller, Cause No. 4:19-CR-416. Would counsel make their appearances, please?

MR. GOLDSMITH: Morning, Judge. Hal Goldsmith along with Special Agents Andy Ryder and Lindsey Wegge on behalf of the United States.

MR. HALE: Larry Hale on behalf of Bill Miller, Your Honor.

THE COURT: And Mr. Miller is present; is that correct?

MR. HALE: That's correct, Your Honor.

THE COURT: Good morning, sir.

THE DEFENDANT: Good morning.

THE COURT: Counsel, have you and Mr. Miller had the opportunity to read, review, and discuss the presentence report in this matter?

MR. HALE: We have, Your Honor.

THE COURT: On behalf of Mr. Miller, are there any objections to the factual statements in the presentence report?

MR. HALE: Judge, I've spoken to Mr. Wilke about some

1 minor additions. He was kind enough to make those additions.
2 We fully accept the revised version, if you will, of the
3 presentence investigation report.

4 THE COURT: Any objections to the factual statements
5 in the presentence report on behalf of the United States
6 Attorney?

7 MR. GOLDSMITH: No, Judge.

8 THE COURT: There being no objections to the final
9 version of the presentence report, I adopt the factual
10 statements as the findings of fact in this proceeding.

11 On behalf of Mr. Miller, are there any objections to
12 the probation officer's application of the sentencing
13 guidelines to those facts?

14 MR. HALE: Judge, not with regard to the calculation
15 based upon the plea agreement that we have. Obviously, we are
16 seeking a downward variance, but otherwise, no, Your Honor.

17 THE COURT: Any objections to the probation officer's
18 application of the sentencing guidelines on behalf of the
19 United States Attorney?

20 MR. GOLDSMITH: No, Judge.

21 THE COURT: So, Mr. Miller, I know you've gone over
22 this with your counsel. Based upon the application of the
23 guidelines and the facts of your case, you have a total
24 offense level of 14 and a criminal history category of 1. The
25 guidelines recommend a period of incarceration of 15 to 21

1 months, supervised release of one to three years, fine range
2 of \$7,500 to \$75,000. There is no restitution; correct?

3 MR. GOLDSMITH: That is correct, Judge.

4 THE COURT: And a special assessment due today in the
5 amount of \$100.

6 Counsel, would you approach?

7 **(PURSUANT TO LOCAL RULE 13.05, A BENCH CONFERENCE WAS HELD ON**
8 **THE RECORD AND PLACED UNDER SEAL, AFTER WHICH THE FOLLOWING**
9 **PROCEEDINGS CONTINUED IN OPEN COURT:)**

10 Q (BY THE COURT) And, Mr. Miller, there is a statute -- and
11 I'm sure you've gone over it with your attorney -- that lists
12 a number of factors I'm required to consider before I can
13 determine the appropriate sentence in your case.

14 With that being said, save for allocution and
15 discussion of those sentencing factors, does either attorney
16 know of any reason why we should not proceed to the imposition
17 of sentence?

18 MR. HALE: I know of none, Your Honor.

19 MR. GOLDSMITH: Not on behalf of the United States,
20 Judge.

21 THE COURT: So, Mr. Miller, before sentence is
22 imposed, you have the opportunity to speak today. You can
23 speak directly, you can ask your attorney to speak for you, or
24 you both may speak, however you see fit, but if there's
25 anything you would like to say, now is the time.

1 THE DEFENDANT: Thank you, Your Honor. Judge, I'm
2 before you today because I committed a crime. I know I
3 committed a crime, and that's why I pled guilty. I take full
4 responsibility for my actions. I did the things that are
5 outlined in my plea. I apologize to this Court, the Missouri
6 Bar, my family, and especially the citizens of St. Louis
7 County, and the St. Louis Economic Development Partnership
8 Board to whom I owed a fiduciary duty.

9 I let a lot of people down. I know that and I regret
10 it. I especially regret the pain I've caused my parents and
11 my wife and kids. They don't deserve any of that pain. My
12 parents taught me wrong from right. They are honest, decent
13 people who possess immense integrity, and I let them down. I
14 can only imagine what they think of me standing before you
15 right now. And the same holds true for my wife. I will live
16 with that for the rest of my life.

17 I've lost a lot of things that are important to me as
18 a result of my actions, things that I spent a lifetime
19 building, including my reputation, my integrity, and my
20 dignity. I was a licensed attorney who worked hard to get
21 through law school, passed the bar, and distinguished myself
22 as an ethical attorney. I've been disbarred as a result of my
23 actions. It hurts.

24 Mr. Goldsmith argues that I should have walked away
25 and informed the FBI when Steve Stenger told me to tell Ms.

1 Sweeney that he wanted Mr. Bardgett to remain as the county's
2 lobbyist. He's right. Had I done so, I wouldn't be before
3 you today. I lacked the courage and the discipline to tell
4 Steve Stenger no. It's something that I think about every day
5 and probably will for the rest of my life.

6 I messed up, plain and simple, but I want you to know
7 that I'm a good person, a good person who did a stupid thing.
8 Mr. Goldsmith says I'm not a good person and I should go to
9 prison for my conduct and that my recorded words prove that
10 I'm not a good person. He's wrong in his assessment of my
11 character, but I said what I said in those recorded
12 conversations. I can't deny it, and I won't, but I hope this
13 Court recognizes that the words reflected in my information
14 and indictment aren't the only words I've said while employed
15 by Steve Stenger. I said other things, things before and
16 after the words reflected in the recorded statements, that
17 also reflect on my character. Those words aren't before this
18 Court.

19 In regard to my comments in connection with racial
20 equity, my words were harsh and should not have been said.
21 However, my comments were directed towards individuals and not
22 towards a race of people. Words matter, but so do actions,
23 and I ask this Court to also consider my actions in assessing
24 my character, especially as it relates to the issue of racial
25 equity, an issue that is very dear to me.

1 After months of interviews and a nationwide search, I
2 hired the first Chief of Diversity Officer for St. Louis
3 County, Jack Thomas, one of the most respected and esteemed
4 diversity professionals in the country. I hired him in part
5 because I was impressed with his philosophy: Real work for
6 real companies. In a short amount of time, Jack has done
7 great things for the county's procurement process, and every
8 MWBE in St. Louis will benefit from his leadership. I defy
9 anyone to challenge Jack's integrity or professionalism. I
10 hired him because I knew he would make a difference, and he
11 has.

12 Second, I authorized the most ambitious,
13 far-reaching, and all-encompassing racial equity policy
14 initiative ever undertaken by St. Louis County government.
15 It's called Strength Through Equity, and its purpose is to
16 transform St. Louis County government so that it reflects full
17 participation and shared power with diverse racial, cultural,
18 and economic groups in every conversation that the county, the
19 county government, has going forward. It represents a
20 sea change for equity for the county and hopefully for the
21 region.

22 I promoted the idea and fought with Steve to stay
23 with it after he said he didn't care about it anymore after
24 the election. I pushed hard, and I got it done. I put our
25 best staff members on this team and made sure they knew it was

1 our top priority. It is my understanding the new
2 administration is still pursuing this policy initiative. I
3 hope they do. They should. I hope it bears fruit.

4 So I ask that you consider these two things when
5 assessing my character in the area of racial equity. My
6 actions should count for something.

7 Finally, Judge, there is one more thing I need to say
8 to correct the record before I am sentenced. Mr. Goldsmith
9 argues my motivation for my conduct is that I was angling to
10 be the Chief of Staff of the new metro government. That is
11 not true. I never seriously considered taking that job, if
12 there was even ever going to be a job. That was never a
13 motivation for anything I did in county government.

14 So, Judge, I ask that you sentence me for what I did
15 and not based on the false image of me offered by the
16 Government. As reflected in the letters submitted on my
17 behalf, I'm a good man who served on the staff of Governor
18 Nixon and as an Administrative Law Judge, without blemish. My
19 missteps occurred when I began working for Steve Stenger.

20 I ask that you take these things into consideration
21 and not send me to prison but rather allow me to try and
22 rebuild my life. Thank you.

23 THE COURT: Counsel?

24 MR. HALE: Judge, thank you. Before I get started,
25 Your Honor, I would just like to inform the Court that Mr.

1 Miller has here today with him his wife and a number of
2 members of his family, including, I believe, his
3 father-in-law, who I just had the pleasure of meeting this
4 morning. They're here to support Mr. Miller in this difficult
5 time.

6 Judge, as you know, we have asked the Court to vary
7 downward from the total offense level of 14 to a total offense
8 level of 8. That request, Your Honor, is based -- at least is
9 consistent certainly with what the probation office said in
10 paragraph No. 139 of the presentence investigation report in
11 which Mr. Wilke says that a downward variance may be warranted
12 because of the health issue facing Mr. Miller and also because
13 of his role in the offense.

14 Judge, the nature of the health issue is explained in
15 the presentence investigation report, but I note in the
16 Government's memorandum it's almost as if there was some
17 effort on the part of the Government to make light of his
18 condition, essentially saying that it's not uncommon for
19 individuals standing before a Court such as yourself to have
20 similar health-related issues. And while, Judge, that is
21 true, this medically verified health condition is nonetheless
22 real, and it is nonetheless negatively impacting this man.

23 But more important than that, Judge, the fact that it
24 is a frequent occurrence doesn't mean that it is not important
25 in assessing whether or not this Court should place Mr. Miller

1 on probation, but I'm going to leave that alone because,
2 again, Judge, I believe that the PSR fully describes what
3 that's about.

4 Judge, Mr. Wilke also says that a downward variance
5 is warranted because of Mr. Miller's role in the offense. I
6 would like to take some time, if I can, and talk about that,
7 that role in the offense.

8 Judge, I believe the PSR from -- I believe it's
9 paragraphs 15 to 71 -- paints a very detailed picture of the
10 overall scope of the offense, all of the relevant conduct
11 relating to this offense. Judge, it talks about in October,
12 November of 2014, when Mr. Stenger was first elected, he
13 directed a gentleman in his office at that time, who's
14 identified in Mr. Miller's information, but he instructed a
15 Jeff Wagener to talk to the then-head of the Economic
16 Development Partnership and instruct him to give a contract to
17 JBA, the lobbying contract. In other words, back in 2014 Mr.
18 Stenger instructed Jeff Wagener do exactly what Bill Miller
19 did.

20 But then it goes on, Judge, into 2014 and 2015, when
21 Mr. Stenger and Ms. Sweeney, Sheila Sweeney, and Jeff Wagener
22 and others put together a scheme with regard to John Rallo,
23 who is also charged in another case here, Judge, to get a --
24 initially an insurance contract to Mr. Rallo and then later a
25 consulting contract to Mr. Rallo, all of these things

1 occurring between 2014 and 2017. Judge, and Jeff Wagener was
2 involved in all of it as well.

3 And that's all relevant conduct here, Judge. And one
4 of the things that's interesting is, during that period of
5 time, nobody ever heard of Bill Miller. He wasn't working
6 there then. Bill Miller didn't start working there, Your
7 Honor, until December of 2017, and he worked there for a
8 period of 16 months, until April of 2019.

9 I might also, Judge, note from the PSR that, in
10 paragraph 69 of that document, Mr. Wilke also ranks in terms
11 of culpability the individuals who had been charged with
12 offenses associated with the Steve Stenger schemes: Mr.
13 Stenger, Ms. Sweeney, Mr. Rallo. And of those people, Your
14 Honor, Mr. Wilke identifies Bill Miller as the least culpable.
15 The least culpable.

16 Now, as the Court, I'm sure, is aware, Ms. Sweeney
17 received a sentence of probation from Judge Perry. And
18 obviously, Judge, Ms. Sweeney's culpability was much greater
19 than that of Mr. Miller. And we believe that on that basis
20 alone there is room here, Your Honor, to grant probation to
21 Mr. Miller so that, if nothing else, there is some level of
22 consistency and parity between the sentences imposed on
23 similarly situated other defendants.

24 And then something else I got to mention at this
25 juncture, Your Honor. Also in paragraph 69 Mr. Wilke also

1 talks about, I believe, four people who are very much involved
2 in the criminality of Steve Stenger and Ms. Sweeney who have
3 never been charged. Who have never been charged. I think
4 those are important facts to go into a determination of the
5 appropriate sentence to impose here.

6 So, Judge, when we talk about this JBA lobbying
7 contract, what did Bill Miller do? Let's talk about what he
8 did. Let's talk about what he didn't do. I'd like to start,
9 if I can, with what he didn't do, Your Honor. Bill Miller did
10 not initiate this scheme. Your Honor, Bill Miller never
11 participated in any fundraising activities in connection with
12 Mr. Stenger. It was not Bill Miller who got together with
13 campaign donors and promised contracts, county contracts, in
14 exchange for campaign considerations. It was not Bill Miller
15 who made the decision to give those contracts out in exchange
16 for those considerations.

17 But probably of greatest importance in my mind, Your
18 Honor, is the fact that Bill Miller had no financial interest
19 in this scheme whatsoever. He wasn't going to make a dime.

20 And let's talk about what he did do. Steve Stenger
21 instructed Mr. Miller to -- and Mr. Miller and Jeff Wagener
22 and another gentleman identified in the presentence
23 investigation report to go and talk to Ms. Sweeney about
24 getting the JBA contract again to JBA -- I'm sorry -- getting
25 the lobbying contract again to JBA. And they did what their

1 boss told them to do.

2 The three of them went, met with Ms. Sweeney, told
3 Ms. Sweeney what Steve Stenger wanted her to do with that
4 lobbying contract. And then Jeff Wagener and Bill Miller,
5 members of the Board of the Economic Development
6 Partnership -- and they did vote to approve the selection of
7 JBA.

8 And then there were some text messages exchanged
9 between the principal at JBA and Mr. Stenger -- I'm sorry --
10 Mr. Miller, explaining essentially that the contract was about
11 to be awarded to JBA. And that was it. That's what he did in
12 connection with this particular scheme.

13 Judge, I believe when we look at the actions of Bill
14 Miller with all of the relevant conduct in mind, I believe
15 it's clear that, when all the factors are considered, when all
16 of the relevant conduct is considered, Your Honor, Mr. Miller
17 was a minimal participant. And that's consistent with what
18 the probation office determined.

19 Now, I'm not here to tell you, Judge, that Mr. Miller
20 didn't commit a crime. I'm not saying that. And I hope the
21 Court does not interpret in any way that I'm saying he's not
22 criminally responsible. We know he is. What I am saying,
23 Judge, is that I think it's important that the Court
24 understand the circumstances surrounding the commission of the
25 crime.

1 Judge, in our sentencing memo I quote Mr. Goldsmith
2 here at the sentencing of Steve Stenger in which Mr. Goldsmith
3 described in connection with the sentencing of Steve Stenger
4 what I've been calling a toxic environment for employees in
5 St. Louis County. He talked, Your Honor, about the fact that
6 it was known, it was understood, that if you don't do what
7 Steve Stenger tells you to do, you're gone. You're out. Not
8 my words. The U.S. Attorney's words, Judge. And he talked
9 about the fact that Stenger used that intimidation, the
10 vindictiveness against his top executive people. Mr.
11 Goldsmith's words.

12 But, Judge, today, and in the Government's sentencing
13 memo, all of a sudden Bill Miller, who obviously was included
14 as a victim, if you will, in this toxic environment that Mr.
15 Goldsmith described in connection with Mr. Stenger, now on
16 Friday, when it's Bill Miller's turn to be sentenced, no, Bill
17 Miller was a -- he was a right-hand man. He was this. He was
18 that.

19 But, Judge, the problem is you can't have it both
20 ways. If Mr. Miller was subject to Steve Stenger's abuse in
21 connection with Steve Stenger's sentence, then the same thing
22 holds true here with regard to Mr. Miller.

23 But, Judge, a description of that environment doesn't
24 just stop with what Mr. Goldsmith said. Mr. Goldsmith
25 attached four exhibits to a sentencing memo, one of which was

1 from the St. Louis County Council. And it was issued -- that
2 was a letter issued in connection with Steve Stenger's
3 sentence. The other three, from three other St. Louis County
4 agencies, were directed at Sheila Sweeney and Steve Stenger.
5 And certainly the St. Louis County document describes also a
6 toxic environment.

7 I'd like to address briefly some of the words from
8 the County Council, Judge. But I also say that Bill Miller
9 was as much subject to that kind of conduct from Mr. Stenger
10 as was anybody else.

11 The St. Louis County Council says the Defendant Mr.
12 Stenger's criminal enterprise put dedicated public employees
13 in difficult, if not impossible, positions; the defendant's
14 scheme often required county employees to act unethically and
15 sometimes put them in positions with such limited information
16 that they could not have known then or what they were being
17 told to do was inappropriate; county employees were trapped,
18 and it goes on from there.

19 Bill Miller was subject to the same kind of
20 environment, Your Honor -- again not to deny his criminal
21 responsibility but just explain to the Court essentially what
22 the motivation was.

23 Judge, we've got factors here under 3553(a). I just
24 want to touch briefly upon some of those. I'm not going to go
25 into detail because I think I've addressed a lot of them

1 already.

2 First of all, Your Honor, I know you've received
3 letters from members of Mr. Miller's family. You've received
4 letters from former employers. You've received letters from
5 people who know him, friends and people who have associated
6 with him in the community, to attest to his good character.

7 But something else, Judge. I want to go back to
8 those letters from St. Louis County again, the County Council
9 and the three agents. And I think those letters are
10 particularly telling, Your Honor, because the County Council
11 and those members of those agencies were people who worked
12 with Bill Miller every day. And they knew him. They knew
13 him. They worked with him all the time. And, Your Honor, not
14 a word about Bill Miller is mentioned in that in any of those
15 letters at all. There is nothing negative in those letters
16 about Bill Miller because they knew him to be the good man
17 that he just represented himself to be here.

18 Also, Judge, with regard to 3553(a), I also want to
19 mention again that -- we mentioned that there is an
20 alternative to the probation we ask for in our analysis under
21 3553(a). The alternative would be probation with a component
22 of house arrest or community confinement. I'm not asking for
23 that, Judge, because I don't believe the circumstances and the
24 facts here warrant it, but, nonetheless, that is something
25 that I did want to make sense of.

1 Judge, I'd like to talk just briefly, if I might,
2 about some of the things the Government has represented in its
3 sentencing memo. In particular, the Government says -- they
4 cite the fact that Mr. Miller had been offered a position by
5 Steve Stenger with this merged city-county government. And
6 the Government seems to imply that that somehow motivated Bill
7 Miller to do what he did here. Now, I'd like to look briefly
8 at that, Judge, because I think, when we do, we recognize the
9 ridiculous nature of that theory.

10 So if I got this right, Steve Stenger gets hundreds
11 of thousands of dollars in campaign contributions, gets a
12 \$149,000 contract for lobbying work, and Bill Miller gets a
13 promise of a job in a nonexistent merged city-county
14 government. Not only does it not exist, I think a lot of
15 people in this community understood that it did not exist; it
16 would never exist. What a deal for Bill Miller. Your Honor,
17 I would submit to you that that is ridiculous.

18 But let me tell you what's not ridiculous, because
19 this is a courtroom. This man doesn't work in a courtroom,
20 but the truth does. The truth is that if Bill Miller, when
21 instructed by Steve Stenger to go talk to Ms. Sweeney and tell
22 Ms. Sweeney what he wanted done with that contract, Bill
23 Miller would have been gone from his job in St. Louis County
24 with a quickness. Now, did he make a mistake in not saying
25 no? Of course he did, Your Honor. But I think as far as the

1 motivation is concerned, it's quite clear that Bill Miller,
2 like all of the other county employees identified not only by
3 the Government itself but also by St. Louis County Council,
4 wanted to keep their jobs.

5 Judge, the Government says that Bill Miller was the
6 right-hand man of Steve Stenger. Now, that's interesting.
7 Now, he certainly was Steve Stenger's Chief of Staff, and as
8 Chief of Staff, yeah, to that extent, he was Mr. Stenger's
9 right-hand man. No doubt about it.

10 But, Judge, when you start talking about, as the
11 Government does, Mr. Miller being Steve Stenger's right-hand
12 man with regard to these schemes, let's go back to the
13 relevant facts here. The relevant facts, Your Honor, identify
14 one person who was consistently involved in all of those
15 schemes: Jeff Wagener. He was involved in the January -- I
16 mean the November 2014 JBA contract. He was involved in both
17 Rallo contracts. Of course, Ms. Sweeney was as well. But
18 Jeff Wagener was always there.

19 In fact, Judge, in 2018, when Bill Miller goes to see
20 Ms. Sweeney at the direction of Steve Stenger, Jeff Wagener is
21 right there. You want to talk about a right-hand man, Judge,
22 I don't think you can get any closer to a right-hand man in
23 connection with Steve Stenger's schemes than Jeff Wagener.
24 But Jeff Wagener has not been charged with a crime and won't
25 be. Will not be. I'll address that in just a moment, Judge.

1 There are two other issues I want to touch upon
2 rather quickly here. The Government has offered a recording
3 of a comment Bill Miller made in connection with MOKAN
4 contractors, and I'm assuming they did that, Judge, so that
5 they can try to paint Mr. Miller as a racist. And that's
6 interesting, Judge. So if I got this right, Bill Miller, this
7 white racist, hires an African-American lawyer to represent
8 him in the darkest legal matter he's ever faced. That's very
9 interesting.

10 Now, fortunately, Judge, insensitive, inappropriate
11 comments are not a crime. And Lord knows if they started
12 locking up everybody who made insensitive, inappropriate
13 comments, a lot of us would be in jail, because all of us have
14 weak moments at times. But they do not reflect the belief
15 about this man. He may have had a problem with the people he
16 identified, but he does not have a problem with a race of
17 people.

18 Judge, additionally, there is this business about the
19 Northland mall deal that's included in the Government's
20 sentencing memo. Judge, Steve Stenger -- no. Bill Miller
21 went to Steve Stenger's house to talk to Steve Stenger about
22 county business because during this period in 2014, as the
23 Government has acknowledged, Steve Stenger abdicated his
24 complete responsibility for county government. Gave it up.
25 Half the time he didn't come to the office. The other time he

1 went in his office he played video games. That's what the
2 Government says. And that's true.

3 But then the question becomes who was running county
4 government when Bill Miller had -- I mean when Steve Stenger
5 had abdicated his responsibility? It was Bill Miller. So on
6 this particular day, Bill Miller goes to Stenger's house to
7 talk to him about county business, and Stenger yells at him,
8 like he always did. But then he goes on and he talks to Bill
9 Miller about the fact that he and the developer are talking
10 about a -- planning to offer a job to the father of the county
11 council member in exchange for her support. That didn't come
12 from Bill Miller. That came from Steve Stenger.

13 Now, what Bill Miller did was he said, "You want me
14 to make some calls?" And that was dumb, but that's what he
15 did. But that's all he did. He never made any calls.
16 Stenger told him no, and that was it. That was the extent of
17 it, Your Honor.

18 Judge, the Government in its memo exhibits great
19 outrage when they talk about Bill Miller and what he did, but
20 I've got a problem with that outrage, Judge. Let me tell you
21 what it is. Where is the outrage in connection with all of
22 the things that Jeff Wagener did? He was involved in this
23 thing going back to 2014 all the way through 2018. Where is
24 the outrage there, Your Honor? Where is the concern for what
25 the citizens lost in connection with what Jeff Wagener did?

1 They have never charged him, and they won't charge him.

2 The other fellow that went with Mr. Wagener and Bill
3 Miller to talk to Ms. Sweeney in 2018 has never been charged
4 and won't be charged. Again, the four people identified in
5 the PSR who have not been charged, who did a number of things
6 in connection with Steve Stenger's schemes, have not been
7 charged, and some of them may never be charged.

8 In closing, Judge, Mr. Miller -- he has lost a lot.
9 He mentioned his law license, no doubt. He lost a job he had.
10 He's now working, but he's making a fraction of what he was
11 making before. He lost his reputation. He's been publicly
12 embarrassed, and probably -- from talking to Bill Miller, I
13 can tell you, Judge, that probably one of the greatest things
14 that has hurt him is the harm and embarrassment it has done to
15 his family.

16 But, Judge, I noted something about the Government's
17 memo. They mention little, if anything, about the presentence
18 investigation report. And I know why: Because it doesn't
19 help them try to send this man to prison.

20 And, fortunately, Mr. Wilke did a great job. What we
21 have here, Judge, is an identification of Bill Miller as the
22 least culpable. Send this man home, sir, please, because he
23 does not deserve to go to prison. Your Honor, send Bill
24 Miller from this place so that he can get back to his family
25 and so that he can begin the process of trying to build his

1 life, because he does not deserve to go to prison.

2 I thank you for your attention, sir.

3 THE COURT: Thank you.

4 Anything on behalf of the United States Attorney?

5 MR. GOLDSMITH: Yes, Judge. Thank you.

6 Judge, I want to briefly address a few comments that
7 Mr. Hale made. And, of course, we do believe that the truth
8 should be heard in this courtroom. And regarding the
9 recordings, I think we would all agree that there's no truer
10 way to understand what an individual intends, what is in a
11 person's mind, and what is in a person's heart than when we
12 hear recordings of that individual engaged in the criminal
13 scheme when he doesn't know he's being recorded.

14 And that's the significance of the recorded -- the
15 clips and such, the transcripts that were included in the
16 Government's sentencing memo, Judge, because not only is the
17 offense conduct important here, but the history and
18 characteristics of this defendant are. And there's no better
19 way to understand the character and characteristics of this
20 defendant than in what his own words show us.

21 I would also comment on the suggestion that this
22 defendant should be compared to related-defendant Sheila
23 Sweeney. As I pointed out to the Court, Sheila Sweeney's
24 conduct relative to the Government's investigation was
25 significantly different than this defendant. That conduct was

1 well known to Judge Perry when she entered her sentence in
2 that case.

3 The Government's more than happy to provide more
4 information to the Court should the Court need that, but I
5 believe the Court understands that situation. And we're
6 talking apples and oranges. This Court cannot compare, as the
7 defendant suggests, his situation with the related defendant,
8 Sheila Sweeney.

9 And the last comment I would make is to what Mr. Hale
10 said concerning those organizations knowing this defendant.
11 Yes, they well knew this defendant, and we've put in the
12 sentencing memo a direct quote from one of the individuals at
13 the St. Louis County Economic Development Partnership who told
14 the FBI that the threats were never this bad when Jeff Wagener
15 was the Chief of Staff. They went up incredibly once this
16 defendant became the Chief of Staff.

17 And as long as we're talking about that, Mr. Hale
18 would suggest Jeff Wagener was Defendant Stenger's -- really
19 Defendant Stenger's right-hand man. He was fired. He was
20 demoted. In December of 2018, Jeff Wagener wasn't doing the
21 business and bidding of Steve Stenger, and he replaced him
22 with this defendant, Bill Miller, because the Defendant
23 Stenger knew that Bill Miller would carry out his orders, his
24 directives, and help him and participate in and aid and abet
25 him in that pay-to-play scheme, which was so very important

1 during the year 2018 when the Defendant Stenger faced a
2 preliminary -- a primary election as well as a general
3 election. So those were my comments concerning what Mr. Hale
4 has addressed.

5 I want to turn back to this defendant, Bill Miller,
6 if we can, Judge, and I want to first speak about a chain of
7 events which occurred during December of 2018. And the Court
8 well knows that was in the direct midst of the illegal
9 pay-to-play scheme because those chain of events, that chain
10 of events, helps us understand and puts into context this
11 defendant's significant role in that illegal pay-to-play
12 scheme and his significant role as former County Executive
13 Stenger's, yes, right-hand man.

14 On Tuesday, December 11, 2018, St. Louis County
15 Council was considering its preliminary budget for the year
16 2019. Difficult debate. They ultimately passed that
17 preliminary budget, and it included some department -- some
18 cuts to some department budgets. The vote in that by the
19 council was 5 to 1 in favor of those budget cuts.

20 Following that council meeting, that very same
21 evening, December 11 of 2018, this defendant, Bill Miller, not
22 Steven Stenger, this defendant, Bill Miller, over his own name
23 and his own title, County Executive's Chief of Staff, issued a
24 public statement, a public statement. And in that public
25 statement, Judge, this defendant stated that the council's

1 self-serving budget actions represent a betrayal of public
2 trust. Right? We're in the midst of the pay-to-play scheme
3 which this defendant is fully involved in.

4 This defendant also stated publicly that night, in
5 disparaging the County Council, that the Council has also
6 willfully violated the law in refusing to provide even the
7 minimum mandated funding amount to the St. Louis Economic
8 Development Partnership. They have betrayed the public trust,
9 and they violated the law.

10 But what happens the very next day, Wednesday,
11 December 12 of 2018? This defendant took the final steps in
12 that pay-to-play scheme involving a state lobbying contract
13 when, as the appointed board member of the St. Louis Economic
14 Development Partnership, he voted to award that state lobbying
15 contract to one of County Executive's significant political
16 donors, well knowing that the contract was in exchange for
17 those political donations, the very crime to which he has now
18 pled guilty.

19 So while publicly accusing the County Council of
20 criminal acts and a betraying of public trust, this defendant
21 was himself committing actual illegal acts, violating his
22 fiduciary obligations to the Economic Development Partnership
23 as a board member, and abusing his position of trust to the
24 citizens of St. Louis County.

25 And, Judge, in this case there is absolutely no

1 question that this defendant knew that his participation in
2 that pay-to-play scheme was wrong. We have his own words that
3 reflect his intent and what was in his mind.

4 During October of 2018, in discussing a scheme to
5 bribe a public official in order to gain her support for a
6 redevelopment plan put forward by Stenger's political donors,
7 this defendant stated, quote, "What do we care? We're not
8 doing it. Steve can show a win if it goes through. Do I
9 think it's right? Of course it's not right. What do we F-ing
10 care? And if it gets Jane Doe a little closer to us, who
11 cares? Look, until the end of the year, we need friends."

12 This defendant was all in in this scheme. And,
13 again, Judge, that's as ugly a statement by a public official
14 as there is. But, again, in the context here, it clearly
15 shows this defendant's knowing involvement and intent.

16 The defendant claims in the sentencing memorandum
17 that he never engaged in communication with campaign donors
18 promising county contracts in exchange for campaign donations.
19 That's at page 3 of their sentencing memo. But that's more
20 than disingenuous here, Judge, and extremely misleading
21 because we know, of course, that he did communicate with
22 political donors regarding Economic Development Partnership
23 contracts.

24 As only one example, we included in our sentencing
25 memo evidence that this defendant was in direct contact with

1 the political donor who obtained that state lobbying contract
2 from the Economic Development Partnership through this
3 defendant's efforts, keeping that donor apprised of the bid
4 process and advising that donor when he and the other board
5 members when this defendant and the other board members had
6 approved the contract.

7 We also know -- and Mr. Hale alluded to this --
8 again, as we set forth in our sentencing memo, that this
9 defendant offered to get directly involved in helping the
10 political donor who was attempting the redevelopment project
11 through the scheme to bribe that public official, but Stenger
12 told this defendant "thanks but no thanks," and Stenger
13 handled that deal himself.

14 But what's significant there, Judge -- and it goes to
15 this defendant's history and characteristics and the offense
16 conduct -- is that he offered, not that it was accepted and
17 that he actually did it, he offered. He offered to do that to
18 get right smack dab in the middle of that bribery scheme and
19 make it work.

20 And this is the quote. "And I told Steve 'Do you
21 want me to call the project developer to take care of this?'
22 This was weeks ago. No. No. Okay. Then F-ing don't have
23 the project developer call us. You know? I mean, it's like,
24 F."

25 It's a significant thing, Judge, that he offered.

1 And that's what this is about, history and characteristics.

2 Defendant makes the strikingly inconsistent argument
3 that, on the one hand, he did not gain financially from his
4 criminal conduct, and yet, on the other hand, he says he only
5 went along with the criminal scheme because he was afraid of
6 losing his job, a job which paid this defendant \$130,000. So,
7 of course, just based on those facts, this defendant benefited
8 financially from his continued participation in the scheme by
9 receiving that county salary of \$130,000.

10 Regarding the defendant's attempted use of the "just
11 following orders" defense here, this defendant was not a
12 low-level employee simply following orders. He was, for all
13 intents and purposes, the number two authority in St. Louis
14 County government. He was a lawyer. He was a former judge.
15 He was the former governor's legal counsel. He had the County
16 Executive's ear when it came to running county government,
17 including the firing of employees, as we saw his threats to
18 fire legal counsel for the Economic Development Partnership
19 and in his discussions regarding firing the CEO of the
20 Economic Development Partnership, Sheila Sweeney.

21 And such an argument that he was just following
22 orders is totally inconsistent with the fact that he lied to
23 the FBI special agents when they first approached him during
24 March of 2019 simply in order to gain his cooperation and his
25 assistance in understanding the pay-to-play scheme. But this

1 defendant lied, and he made false statements to those FBI
2 agents for one reason: In order to conceal the pay-to-play
3 scheme and his active participation in it. The "just follow
4 orders" defense shouldn't work today for this defendant under
5 these facts and circumstances.

6 And, Judge, I think we'd all agree that every scheme
7 and conspiracy has a leader -- and, yes, there is no question
8 Steve Stenger was the leader here -- but this defendant, under
9 all the facts and evidence, worked awfully hard to make sure
10 that the illegal scheme succeeded. He outright boasted about
11 it, Judge.

12 For example, when discussing how to convince Sheila
13 Sweeney to recommend the state lobbying contract go to that
14 political donor, quote, "If it was just me and her in some
15 dark room somewhere, I might make it a little bit more
16 forceful," closed quote.

17 And this defendant's lesser role in the scheme, as
18 Mr. Hale keeps arguing, has already been accounted for here.
19 Stenger had a much higher guideline of 37 to 46 months. This
20 defendant deserves no more benefit or leniency in that regard
21 than he has already received from the guidelines and the
22 evidence and the facts and circumstances in this case.

23 And we cannot forget, Judge, that there are real
24 victims in this case, the citizens of St. Louis County who had
25 their trust in government broken, the companies and

1 individuals who submitted bids in competition with the
2 political donors and who thought they were on a level playing
3 field in the bidding process, but, of course, they weren't
4 even in the game, including a company that bid against the
5 political donor who received that state lobbying contract.

6 And we can't forget the other organizations like the
7 Economic Development Partnership and the County Port Authority
8 whose funds were improperly used like a piggy bank in the
9 pay-to-play scheme.

10 Judge, based upon the 3553(a) factors here and all of
11 the evidence before this Court, it is the Government's
12 position that this defendant should be sentenced within the
13 advisory guideline range of 15 to 21 months in prison. Thank
14 you.

15 MR. HALE: Judge, if I might?

16 THE COURT: You may.

17 MR. HALE: I stood here and I listened to what he had
18 to say, particularly about Jeff Wagener. First of all, he
19 said Jeff was fired. No, sir. The presentence investigation
20 report --

21 THE COURT: He said he was demoted.

22 MR. HALE: He was demoted. Yes. He was. But,
23 Judge, he was there in November of 2018. But I didn't hear
24 one word from the Government to explain its outrage about what
25 Jeff Wagener did, because they can't, they haven't, and they

1 won't.

2 Judge, something else that's incredible to me, the
3 Government says that Bill Miller risked his \$130,000 salary.
4 I think that's consistent with what I'm saying, Judge. If he
5 risked his \$130,000 salary in refusing to do what Steve
6 Stenger told him to do, then he loses his job. That's what
7 we're saying here, Judge.

8 They talk about Sheila Sweeney. Judge, Sheila
9 Sweeney was involved in all of those schemes. They want to
10 talk about comparing Bill Miller to Steve Stenger? Bill
11 Miller never initiated any of these things. For most of them
12 he wasn't even there.

13 Your Honor, again, we ask that you send this man
14 home, because these facts and this evidence does not support a
15 sentence of incarceration. Thank you, sir.

16 THE COURT: Anything further?

17 MR. GOLDSMITH: No, Judge. Thank you.

18 THE COURT: Well, I'll take the first legal point.
19 Although we kind of touched on it, nobody really focused on
20 it. There is a motion for a departure under the guidelines
21 under Chapter 5 as a minimal participant.

22 MR. HALE: Right.

23 THE COURT: And to qualify for minimal participant
24 under 3B1.2, the commentary talks about that this guideline is
25 intended to cover defendants who are plainly among the least

1 culpable to those involved in the conduct of a group. Under
2 this provision, the defendant's lack of knowledge or
3 understanding of the scope and structure of the enterprise and
4 of the activities of others is indicative of the role of a
5 minimal participant.

6 MR. HALE: Yes, sir.

7 THE COURT: I can't reach that conclusion here that
8 he didn't understand the nature and scope of the activity of
9 the County Executive. This is typically someone who's asked
10 to do a discrete task and doesn't really understand how it
11 fits into the bigger picture.

12 The presentence report lays out that Mr. Miller
13 clearly understood the quid pro quo nature of what he was
14 doing. He wasn't just delivering a message he didn't
15 comprehend. He was delivering a message for which he clearly
16 comprehended its purpose and import. So I deny the motion
17 under Chapter 5 for a downward departure such that the
18 guidelines are properly calculated.

19 Mr. Goldsmith, you're looking at me like I'm --

20 MR. GOLDSMITH: Judge, I took it as a motion -- I
21 didn't take it as a motion for departure. I took it as a
22 motion for a variance, and that's why I didn't respond.

23 THE COURT: Okay. Well, it's docketed as a motion
24 for departure.

25 MR. HALE: Correct.

1 THE COURT: So if you end up at the United States
2 Court of Appeals in another day with three other judges --

3 MR. GOLDSMITH: No. You've made the ruling. I
4 appreciate it.

5 THE COURT: I just wanted to make sure that there was
6 no confusion. Like whatever we do today, we know why we did
7 it and how we got there. And it's just I need to address that
8 first as a legal issue.

9 MR. HALE: Okay.

10 THE COURT: I do find that the guidelines are
11 properly calculated as set forth as to what we reviewed
12 earlier with Mr. Miller.

13 I have a lot of notes from things that were said.
14 Mr. Miller, I have no doubt you're a good person. One of the
15 difficult things about this job -- and that's not the problem
16 today, to worry about what I do -- is that I see a lot of good
17 people who make bad choices. And so whatever happens today,
18 this is not about you as a person. You have a future. What
19 you do with that future, of course, is up to you. And the
20 quality of your character will tell us what happens next. So
21 good people do end up in court, but it's because they made a
22 bad choice. And that's what's so difficult about today. And
23 Mr. Hale's very eloquent and very thoughtful.

24 It's difficult because a person of your caliber, of
25 your education, of your opportunity, fell prey to abuse, for

1 whatever reason how we got here, to abusing the public trust
2 in the county government. That's one of those things, when
3 the statute talks about the personal characteristics of the
4 defendant, that is so difficult. A person with so much
5 opportunity made a choice, however it happened, and often it's
6 incrementally the next thing you know, you're on the wrong
7 side of the line. You didn't get up one day and say, hey, I
8 want to do this, but over time you let other influences
9 overwhelm your better judgment, it's clear, to put you in
10 circumstances in the situation that's clearly criminal, and
11 trading the treasure of the public and its actual treasure in
12 exchange for power.

13 I mean, Mr. Goldsmith didn't quote the one very
14 damning quote about this is the exercise in power. Power for
15 its own sake never gets anyone anywhere. It's a very endless
16 destination. And it's difficult. So that's why this is hard.
17 There are a lot of redeeming qualities, but they also are
18 difficult to reconcile with the conduct, given the access,
19 opportunity, education, and ability that you have.

20 The statute talks about the nature and circumstances
21 of the offense as a factor. Public corruption, the nature and
22 circumstances of the offense. Unfortunately, this was not an
23 aberrant moment: In one afternoon I made a bad choice, but I
24 went back and I fixed it, or I never engaged in it again. It
25 did take place over a period of time.

1 The seriousness of the offense. I haven't read the
2 transcripts of what Judge Perry said to Mr. Stenger or to Ms.
3 Sweeney. But the public trust, to undermine that public
4 trust. People go to work every day believing that the people
5 in this building and all the other government agencies have
6 their best interest at heart so they can go about the business
7 of their lives, and it's a tragedy when that trust is
8 betrayed, because that fabric of our society is important, and
9 undermining that trust hurts us all for a long period of time.

10 To promote respect for the law. That's fundamental.
11 To provide just punishment. That's just a piece. Sentencing
12 isn't just about punishment. It's about all these other
13 things. To afford deterrence. That's a compelling issue
14 today, deterrence. What's deterrence? What will make the
15 next person stop and think real hard about the choices that
16 they're making?

17 Protect the public from future crimes. I don't think
18 you're going to be back in a room like this again. I know
19 however hard it was to learn this lesson, it's a lesson well
20 learned, and you're not coming back. You knew better before
21 as an attorney and as a judge and in the highest levels of
22 state government, but somewhere, somehow, Mr. Stenger and
23 others turned all those good intentions in the wrong
24 direction.

25 Unwarranted sentencing disparities. Mr. Goldsmith is

1 right. Ms. Sweeney is situated differently than you are.

2 It's not my job to decide who should be and who shouldn't be
3 indicted. Mr. Stenger had a longer sentencing range and
4 significant restitution.

5 The other thing that's difficult is, I'd say, if not
6 the majority, certainly the plurality of people that stand
7 there have some sort of mental health issue. It's a tragedy
8 of this room that we confront that in different ways, and that
9 might be a contributing factor to the conduct that brings
10 people to the courthouse, and I don't find that that is a
11 significantly distinguishing factor.

12 So I'm not going to belabor it. I've thought about
13 all of those issues, and as I said before, deterrence is a
14 compelling issue to me and the community's understanding of
15 what's acceptable and not acceptable when you reach the
16 highest level of government, and I do find that a sentence of
17 15 months satisfies the statutory purposes of sentencing,
18 followed by a three-year term of supervised release.

19 As a result, sentence will be imposed as follows:
20 Pursuant to the Sentencing Reform Act of 1984 and the
21 provisions of 18, United States Code, 3553(a), William Miller
22 is hereby placed in the custody of the Bureau of Prisons for a
23 term of 15 months followed by a term of supervision of three
24 years.

25 I'm not going to impose a fine because, I think,

1 under the totality of the circumstances, given the family
2 obligations and the fact that you won't be employed for a
3 period of time, I don't think a fine is appropriate.

4 While on supervision -- well, you are to report in
5 person to the probation office in the district to which you
6 are released within 72 hours of your release, for three years
7 of supervised release. While on supervision, you are to
8 comply with the standard and mandatory conditions adopted by
9 this Court, with the following additional conditions:

10 You are to participate in a mental health evaluation
11 and follow any mental health treatment as prescribed and
12 follow the rules and regulations of that treatment until
13 released.

14 You are to submit your person, property, house,
15 residence, vehicle, papers, computers as defined by the
16 statute, other electronic communications or data storage
17 devices or media, or office, to a search conducted by the
18 probation office, at a reasonable time, in a reasonable
19 manner, based upon any reasonable suspicion of contraband or
20 evidence of a violation of a condition of your release. You
21 are to warn anyone else who resides with you that they are
22 subject to that search condition as well.

23 It is further ordered you are to pay to the United
24 States a special assessment of \$100, which is due today.

25 Are there any objections to the Court's findings of

1 fact, conclusions of law, the manner in which the sentence was
2 pronounced, or the manner in which the hearing was conducted?

3 MR. HALE: I have none, Your Honor.

4 MR. GOLDSMITH: Not from the United States.

5 THE COURT: Sentence will be imposed as stated.

6 If you want to appeal, you need to do so within 14
7 days.

8 MR. HALE: Judge, we --

9 THE COURT: Mr. Hale will file a notice for you if
10 you ask him to do so. If you can't get that done, you can ask
11 the clerk. If you can't afford the filing fee, it is
12 possible, upon a proper motion, the fee would be waived.

13 MR. HALE: Judge, we would request voluntary
14 surrender, and my understanding is the Government does not
15 oppose that request.

16 MR. GOLDSMITH: We have no objection.

17 THE COURT: So you are to surrender yourself to the
18 Bureau of Prisons facility designated to you by the U.S.
19 Marshal Service. That does mean what it says. It might be
20 close. It might be South Dakota or Pennsylvania for some
21 reason.

22 If, for some reason, you can't get there, get in
23 touch with Mr. Hale and arrange to surrender to the Marshal
24 Service locally.

25 Any other matters for the Court's consideration?

MR. HALE: I have nothing, Your Honor.

MR. GOLDSMITH: Not from the Government, Judge.

THE COURT: Good luck to you, sir.

(PROCEEDINGS CONCLUDED AT 12:05 PM.)

CERTIFICATE

I, Shannon L. White, Registered Merit Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 40 inclusive and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 7th day of October, 2019.

/s/Shannon L White
/s/Shannon L. White
Shannon L. White, CRR, RMR, CCR, CSR
Official Court Reporter